

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION**

**MARK MORRIS
ADC #156949**

PLAINTIFF

v. No. 3:15-cv-119-DPM

**TAMI DIXON, Supervisor, Child Support
Office, Mississippi County; TRACY RENAE
MATHENY-MORRIS; JOHN C. WISNER, III,
Deputy General Counsel/Administrative Law
Judge; MISSISSIPPI COUNTY CHILD SUPPORT
DIVISION; LINDA HOSTETTLER; and
BERTHA WINTER**

DEFENDANTS

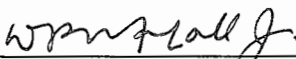
ORDER

Morris brings this action alleging that the Defendants violated his rights when they fraudulently miscalculated the dollar amount of his owed child support. *No. 2 at 4*. He characterizes the defendants' alleged misconduct as "embezzlement" and "fraud." *Ibid.* To raise a claim under § 1983, Morris must allege that the defendants acted under color of state law, and that the alleged misconduct deprived him of some constitutionally protected right. *L.L. Nelson Enterprises, Inc. v. County of St. Louis, Mo.*, 673 F.3d 799, 805 (8th Cir. 2012). Morris has not alleged which of his constitutional rights were violated. His claim appears to involve questions of Arkansas domestic

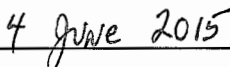
relations law. *No 2 at 4-5*. Federal courts have traditionally recognized that disputes centered on state domestic relations law are entrusted to state courts. *Elk Grove Unified School District v. Newdow*, 542 U.S. 1, 12-13 (2004). And the child support proceeding appears to be ongoing. *No 2 at 4-5*. So there may be an abstention issue. The bottom line is that this Court needs more facts and more specificity about Morris's legal claims to evaluate the complaint.

If Morris desires to go forward, he must amend his complaint by 6 July 2015. The amended complaint should address which of his constitutional rights were violated and how each Defendant was personally involved. It should also explain the current status of the child support proceeding. If Morris fails to follow this Court's Order, his case will be dismissed without prejudice. The Clerk of Court shall mail Morris a § 1983 complaint form with this Order.

So Ordered.



D. P. Marshall Jr.
United States District Judge



4 June 2015